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ATTACHMENT—WHAT CONSTITUTES.—The plaintiff, formerly a deputy sheriff, claims that he attached certain potatoes of a produce company, then in defendant's cars, by looking into the cars, seeing the potatoes, and saying: "I attach these potatoes"; even though he did not actually lay hands upon them, nor take them into his possession otherwise than as above stated. *Held*, the attachment was good. *Rogers v. Maine Cent. R. Co.* (Me. 1915), 94 Atl. 758.

An actual levy is usually required in the case of chattels. In such cases actual possession and custody are necessary to constitute an attachment. *Adler v. Roth*, 5 Fed. 895; *Darling v. Dodge*, 36 Me. 370. If the property is within the officer's dominion, so that he could seize, the omission to seize is excused where it would put the officer to too great an expense or trouble. For instance it has been held a valid levy, where the officer, standing by the edge of a field, wrote down the names and colors of three colts, *Green v. Burk*, 23 Wend. (N. Y.), 490; and where the officer posted notice on the door of a barn, a levy on hay therein was sustained. *Merrill v. Sawyer*, 25 Mass. (8 Pick.) 397. A levy on grain in a stack was sustained where the officer went to it and forbade the defendant to touch it, *Gallagher v. Bishop*, 15 Wis. 276. A levy on corn in a crib by nailing it up, notifying the defendant and spectators of the levy, was sustained against a subsequent purchaser from the defendant. *Richardson v. Rardin*, 88 Ill. 124. Where an officer went onto mill logs, found in a river, and marked some of them "attached Dec. sixth," a levy was sustained. *Bicknell v. Trickey*, 34 Me. 273. An attachment of ore of an iron company was sustained where the officer informed the workmen and the clerk of the company, that he had attached the ore. On the other hand, it was held that the tacking of an order of attachment on tan bark in a car standing off on a switch, and telling the local agent that the bark was levied upon as property of the shipper, was an insufficient levy in *Louisville & N.R. Co. v. Spalding*, 7 Ky. Law Rep. 211. A levy was not sustained where the officer went to the barn where some hay was stored and there posted a notice that he attached all the hay in which A had any interest. *Bryant v. Osgood*, 52 N. H. 182. An officer, who goes to a building to levy on its contents, and being unable to get in, proclaims at the window that he levies on all the property in the building, has made no levy. *Meyer v. Missouri G. Co.*, 65 Ark. 286, 67 Am. St. Rep. 927. Where an officer went to the door of a carriage-house, unlocked the same, declaring that he attached the property within, but before he had actually touched a carriage, another officer sprang in and seized it, an attachment was not sustained in favor of the first officer. *Hollister v. Goodale*, 8 Conn. 331. From these cases it would seem that the principal case is pretty near the line.

BANKRUPTCY—PROPERTY PASSING TO TRUSTEE.—Plaintiff, at the time he was adjudicated a bankrupt, was duly licensed to engage in the sale of intoxicating liquors. Defendant, his trustee in bankruptcy, allowed the plaintiff to continue to operate his place of business under the license. After all the liquor had been sold, trustee charged the amount thus realized against the exemptions allowed plaintiff by the statute of the state. *Held*, regard-

less of the truth or falsity of plaintiff's contention that the trustee could not legally have sold the liquor, the title to the stock of liquor passed to the trustee upon the adjudication in bankruptcy, by virtue of § 70a (5) of the Bankruptcy Act, which provides that the trustee shall acquire the bankrupt's title to "property which prior to the filing of the petition, the bankrupt could by any means have transferred." *Strub v. Gamble*, (C. C. A. 1915), 221 Fed. 253.

The question as to whether this provision of the Bankruptcy Act gives the trustee the right to compel an assignment of the license itself, is somewhat more difficult of decision. In *Fischer v. Cushman et al.*, 103 Fed. 860, the court held that the pecuniary interest which the license represents is "property which the bankrupt is bound to assist in realizing for his creditors." The court held further that the fact that the consent of the local board of police commissioners was necessary to effect a valid assignment, "does not defeat the claim of creditors to realize what can be obtained on an assignment if made." Accord: *In re Brodbine*, 93 Fed. 643; *In re Becker*, 98 Fed. 407; *In re Emrich*, 101 Fed. 231; *Marine National Bank et al v. McCreery & Co. et al.*, 218 Fed. 50; *In re Wiesel et al.*, 173 Fed. 718. But in *Bonnie & Co. v. Perry's Trustee*, 117 Ky. 459, it was held that such a license is a mere personal privilege, and is not such property that an insolvent debtor's transfer of it to a creditor is a preference. In *In re Doyle*, 209 Fed. 1, the court held that a renewal license granted to the bankrupt subsequent to the adjudication in bankruptcy did not constitute after-acquired property, because "the right to apply for a renewal was an inseparable incident to the unexpired term," and therefore upon the adjudication, the right to apply for a renewal as well as the right to the unexpired license passed to the trustee. In all the cases involving the title to liquor licenses mentioned supra, it was the custom for the licensing board to allow the licensee upon the surrender of his license to nominate his successor. This privilege gives the license a salable value. In some places it is the custom of the licensing board to issue a new license upon the surrender of the existing license, without any reference to the desires of the person surrendering the license; and thereupon to refund part of the fee paid for the unexpired license. Where neither of these customs prevails, the trustee can not secure an order to compel the bankrupt to surrender the license, for "it does not appear that the surrender would probably benefit the estate." *In re Beahn*, 212 Fed. 762.

BANKRUPTCY—WIFE'S HOUSEHOLD SAVINGS RECOVERABLE BY HUSBAND'S TRUSTEE.—Plaintiff, trustee in bankruptcy, brought suit to recover shares of stock purchased by the bankrupt's wife with savings accumulated from the husband's earnings given her weekly by the husband, while he was insolvent, for the maintenance of the household. *Held*, in favor of the trustee. *Milkman v. Arthe* (1914), 221 Fed. 134.

The defense contended that these savings were actual earnings by the wife for work performed by herself in the place of hired service. The court, while granting this contention, treated the fund thus accumulated as a mere gift. The reason for so treating the fund probably rests upon the fact